

PROB 12B
(7/93)

United States District Court

for

the Northern Mariana Islands

FILED
Clerk
District Court

AUG - 8 2005

**Report for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearings is Attached)

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Name of Offender Francisco Demapan Dela Cruz Case Number: CR 02-00003-001

Name of Sentencing Judicial Officer: Alex R. Munson

Date of Original Sentence: March 15, 2003

Original Offense: Making Threats by Telephone
18 U.S.C. § 844(E).

Original Sentence: 13 months imprisonment followed by three years supervised release with conditions to include obtain and maintain gainful employment; refrain from the use of any and all alcohol, participate in substance abuse treatment program approved by the U.S. Probation Office; undergo a mental health assessment approved by the U.S. Probation Office, and submit to any recommended treatment as a result of that assessment; pay restitution in the amount of \$2,158.50; not incur any new credit charges or open additional lines of credit without approval of the U.S. Probation Office; provide the U.S. Probation Office access to any requested financial information; make arrangements to pay his creditors outlined in the presentence investigation report; and perform 300 hours of community service under the direction of the United States Probation Office.

Type of Supervision: Supervised Release Date Supervision Commenced: April 2, 2004

PETITIONING THE COURT

- ☐ To extend the term of supervision for _____ years, for a total term of _____ years.
- ☒ To modify the conditions of supervision as follows:

That the offender shall perform 200 additional hours of community service under the direction of the United States Probation Office.

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CAUSE

On May 23, 2005, an Information was filed in the Northern Marianas Superior Court which charged Francisco Dela Cruz with Count I: Theft of Service, in violation of 6 CMC § 1607(a), and punishable by 6 CMC § 1601(b)(2) and § 4101(b). The Information stated that on or about May 1, 2005, Francisco Dela Cruz obtained services, to wit: \$23.75 worth of food and beer from Kimpachi Restaurant which he knew was available only for compensation, and absconded to avoid payment for the service.

According to investigation reports, Francisco Dela Cruz walked into the restaurant and ordered food and beer. When the waitress walked into the kitchen, she heard the front door close. She returned to the dining area and found that Dela Cruz had left the restaurant without paying for services he received in the amount of \$23.75. Accordingly, the waitress, Theresa Amante, contacted the Department of Public Safety and registered a Complaint. A records check with the Northern Marianas Superior Court revealed that the case was set for a status conference on July 27, 2005. As a result of that status conference, the case was dismissed against Francisco Dela Cruz.

Mr. Dela Cruz consumed alcohol in violation of his special condition to refrain from such substance. In an interview with this officer, he admitted that he consumed three cans of beer because he was stressed out and needed to relieve the stress. He noted that the alcohol helped him, and he further stated that he did not intend to leave without paying. However, he felt that he "just had enough" and walked out to sleep it off in his car. He stated that he paid his bill the day after he walked out of the restaurant. On July 6, 2005, this officer conducted a telephonic interview with Marie Lapides, manager for with Kimpachi Restaurant. Ms. Lapides stated that Mr. Dela Cruz paid his outstanding tab of \$23.75 sometime in the first week of May 2005. On July 6, 2005, Mr. Dela Cruz was returned to Day One Phase I of the Substance Abuse Treatment Program which requires intensive testing and counseling to understand the basics of substance addiction.

This probation officer respectfully requests pursuant to the attached *Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision*, that the Court modify conditions of supervise release in this case and impose a sanction that the offender perform 200 additional hours of community service under the direction of the United States Probation Office.

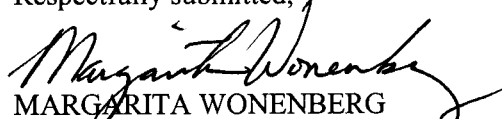
Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON

U.S. Probation Officer
Supervision Unit Leader

Date: 8-04-05

Respectfully submitted,

by: 
MARGARITA WONENBERG

U.S. Probation Officer

Date: 8-04-05

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above.
- ☒ The Modification of Conditions as Noted Above.
- ☐ Other Issuance of a: ☐ Summons ☐ Warrant


Signature of Judicial Officer

08-06-2005

Date

United States District Court

U.S. District Court District of the Northern Marianas

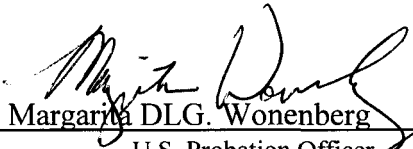
Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

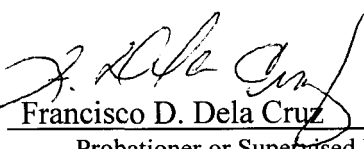
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

- That the defendant shall perform 200 additional hours of community service under the direction of the United States Probation Office

Witness


Margarita DLG. Wonenberg
U.S. Probation Officer

Signed


Francisco D. Dela Cruz
Probationer or Supervised Releasee

July 6, 2005
Date